

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TEODORO DURAN-VIRGEN,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. C15-1110-JLR-BAT

**REPORT AND
RECOMMENDATION**

Teodoro Duran-Virgen is proceeding *pro se* in this habeas action pursuant to 28 U.S.C. § 2241. By letter dated July 28, 2015, Mr. Duran-Virgen was granted 30 days to either pay the \$5.00 filing fee or submit a completed application to proceed *in forma pauperis* (“IFP”). Dkt. 5. Mr. Duran-Virgen was advised that failure to respond to the order by August 27, 2015, could result in dismissal of the case. *Id.* To date, Mr. Duran-Virgen has neither paid the filing fee nor submitted a completed application for IFP status. Accordingly, the Court recommends that this action be **DISMISSED** without prejudice for failure to pay the filing fee pursuant to 28 U.S.C. § 1914. A proposed order accompanies this Report and Recommendation.

This Report and Recommendation is not an appealable order. Therefore a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge enters a judgment in the case. Objections, however, may be filed and

1 served upon all parties no later than **September 29, 2015**. The Clerk should note the matter for
2 **September 30, 2015**, as ready for the District Judge's consideration if no objection is filed. If
3 objections are filed, any response is due within 14 days after being served with the objections. A
4 party filing an objection must note the matter for the Court's consideration 14 days from the date
5 the objection is filed and served. The matter will then be ready for the Court's consideration on
6 the date the response is due. Objections and responses shall not exceed five pages. The failure
7 to timely object may affect the right to appeal.

8 DATED this 8th day of September, 2015.

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11 BRIAN A. TSUCHIDA
United States Magistrate Judge
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